



Appeal Decision

Site visit made on 21 May 2019

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2019

Appeal Ref: APP/F0114/W/19/3220471

Stoneridge, Forefield Rise, Lyncombe, Bath BA2 4PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs R McCabe against the decision of Bath & North East Somerset Council.
 - The application Ref 18/02391/FUL, dated 30 May 2018, was refused by notice dated 23 October 2018.
 - The development proposed is the erection of 1 No. dwelling and associated works.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs R McCabe against Bath & North East Somerset Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the City of Bath Conservation Area (CA), and;
 - The setting of nearby listed buildings.

Reasons

Conservation Area

4. The City of Bath Conservation Area covers an extensive section of Bath, and its significance lies in part in the way the diverse range of buildings and spaces it contains reflects the evolution and growth of the city over many years. The appeal site is within Widcombe, the character of which is a transitional, steeply sloping landscape between the more central city and the surrounding countryside. The draft conservation area character appraisal¹ identifies it as possessing a complex and delicate hierarchy of interrelated urban spaces, landscape and architecture.

¹ Draft Entry Hill, Perrymead and Prior Park Character Appraisal Bath Conservation Area, June 2018

5. The appeal site forms part of the sloping grassed garden to Stoneridge, a detached modern dwelling. In comparison to the surroundings which contain a significant concentration of listed buildings, this property contributes little to the overall significance of the CA. However, the appeal site is absent of built form and currently provides open green space. When taken together with the long sloping rear gardens evident in properties on Lyncombe Hill, the appeal site contributes towards the distinctive, verdant spaciousness separating the surrounding well-ordered built form.
6. The appeal proposal would introduce a semi-underground dwelling of a contemporary design. It would necessitate a degree of levelling and retaining walls that would introduce a notable level of built form into a currently undeveloped area reducing the levels of separation between the existing surrounding buildings. Furthermore, an additional dwelling would result in greater activity and associated domestic paraphernalia and would therefore, detract from the existing spaciousness and the notable absence of development. Although I acknowledge that the design approach proposes an interesting building using high quality materials, that would to a certain extent conceal the built form by responding to the topography of the site, this would not be sufficient to overcome the harm I have identified.
7. The 1887 OS map indicates that the appeal site formed part of a larger garden and orchard area into which Stoneridge and The Orchard have already encroached. Even so, the Inspector in a previous appeal decision² in 1980 in acknowledging that harm, noted that the properties were nevertheless widely separated. Notwithstanding the passage of time the intrinsic characteristics of the CA have not fundamentally changed. Therefore, even though the earlier proposal was in relation to a different design, I consider that his finding that the introduction of further built form at the appeal site would adversely affect the character of the area remains valid, and I concur with it.
8. I acknowledge that due to the design and proposed landscaping the development would not feature prominently when viewed from public vantage points. Even so, due to the surrounding topography, the changes in levels, retaining structures and domestic activity would be visible from many nearby properties. I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, and this is not restricted to the impact on the public domain.
9. In forming my views, I have had regard to the appellants' assessment of townscape and heritage impact, in which they refer to the changing development within the CA and the presence of more modern buildings including the garages serving Prior Park Buildings and a nearby garden centre. Be that as it may, I do not accept that it would be accurate to describe the area surrounding the appeal site as having an eclectic or transitional character. Notwithstanding the incremental changes that have occurred over time, the prevailing characteristics that positively contribute towards the quality of the historic environment remain. Therefore, the presence of other more modern structures does not lead me to a different view.
10. The appellants point to the incidence of historic garden terracing within the city of Bath and that the current grassed area was formed from spoil. I have further had regard to the views of the Bath Preservation Trust which concluded the

² T/APP/5116/A/80/04493/G7

appeal proposal would successfully assimilate with its surroundings. Nevertheless, the site section plans and my observations in relation to several adjoining gardens was that they contained a more natural slope, with terracing not being prevalent or obvious in the immediate area. As such, I am not persuaded that the proposal would sufficiently preserve the positive characteristics of the appeal site and consequently the character and appearance of the CA.

11. In recognition of the scale of the proposal and the design measures incorporated to limit visual impact, the resulting harm to the character and appearance of the CA would be less than substantial. Paragraph 196 of the National Planning Policy Framework (the Framework) advises that in such circumstances the harm should be weighed against the public benefits of the proposal. The development would provide an additional house in an accessible location thereby contributing to overall housing supply, would incorporate some sustainable building features and would provide retirement accommodation for the appellants. Furthermore, there would be economic benefits arising from the contributions and activities of future occupants. However, given the modest scale of the development such benefits would be limited. Although less than substantial, the harm to the character and appearance of the CA attracts considerable importance and weight. Therefore, the modest benefits identified would not amount to public benefits sufficient to outweigh this.
12. Accordingly, I find that the proposal would result in harm to, and therefore fails to preserve, the character and appearance of the CA and I do not find that this is outweighed by any public benefits. As such, the proposal conflicts with the general urban design principles set out in policy D1 of the Bath and North East Somerset Placemaking Plan, 2017 (PP). In addition, it would be contrary to policies D2, D5 and D7 of the PP that, amongst other matters, require development to make a positive contribution that respects the local character of the area. It further conflicts with the conservation objectives of policy HE1 of the PP which seeks to safeguard heritage assets, including conservation areas.

Listed Buildings

13. There are many listed buildings near to the appeal site, however those which are most likely to have their setting affected are 1-19 Prior Park Buildings located to the east, 3-11 Prior Park Cottages located to the north and 41-57 Lyncombe Hill located to the west. I am required to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
14. These are all Grade II listed buildings comprising predominantly tightly packed Regency terraces and, except for the wide fronted house at No.45, pairs of early 19th Century houses at Lyncombe Hill. They primarily derive their significance from the aesthetic quality of the appearance of the buildings themselves, how they are arranged, and consequently, how they are experienced in the surrounding hilly townscape.
15. The appeal site historically formed part of a garden and orchard area around which the historic terraces and houses were regularly positioned. I was able to observe at my site visit that the appeal site contributes towards the long slope of garden land, providing undeveloped space reminiscent of the historic relationship between 41-57 Lyncombe Hill and 1-19 Prior Park Buildings. Notwithstanding the presence of Stoneridge and The Orchard, the appeal site

contributes positively to the surroundings within which a considerable number of designated heritage assets are experienced. The proposed additional dwelling, due to its associated activity and changes to land levels and use of retaining walls, would represent an incursion into this area which would pay insufficient regard to the historic arrangement of land uses and would harm the setting of these listed buildings.

16. I acknowledge that the visual impact assessment submitted demonstrates that the appeal proposal is unlikely to compete with the identified heritage assets in important public views. It would however adversely feature in some views from the rear elevations of 41-57 Lyncombe Hill, 1-19 Prior Park Buildings and some views from the front elevations of 3-11 Prior Park Cottages.
17. I accept that the appellants propose a design that incorporates landscaping such that the visual impact is reduced. However, this would not entirely overcome the harm from the presence of the built form that would be harmful to the historic pattern of development.
18. For similar reasons to those outlined in relation to the CA, the proposal would result in less than substantial harm to the setting of the listed buildings. Nevertheless, such harm attracts considerable weight. In applying the balance set out in paragraph 196 of the Framework, the benefits already identified above would not amount to public benefits that outweigh this harm.
19. Accordingly, I find that the proposal would result in unacceptable harm to the setting of nearby listed buildings. As such, it conflicts with the general urban design principles set out in policy D1 of the PP and the objectives of policies D2, and D5 of the PP. These, amongst other matters, require new development to respect local character. Furthermore, it would be contrary to policy HE1 of the PP which seeks to safeguard heritage assets, including the setting of listed buildings.

Other Matters

20. The Highway Authority object to a material increase in the use of the narrow and steeply sloping access road which is located adjacent to the access lane serving Prior Park Buildings. The appellants have submitted a Unilateral Undertaking to restrict the use of the currently separate dwelling known as the Garden Studio, to ancillary residential accommodation to Stoneridge. The Council dispute whether the existing parking for the Garden Studio should be removed. However, given that the appeal is to be dismissed on other substantive issues, it is not necessary to consider this matter in further detail.
21. The site is located within the City of Bath World Heritage Site, and this is a matter to which I have also had particular regard. The City of Bath's status as a World Heritage Site derives its outstanding universal value principally from the Roman archaeology, Georgian architecture and the green landscape setting of the city. Primarily due to the limited scale of the proposal when considered within the wider context of the World Heritage Site, I concur with the conclusions of the Council in that I do not consider that the appeal proposal would be harmful to the outstanding universal value of the City of Bath's status as a World Heritage Site.

Conclusion

22. For the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector